

## REMARKS

This amendment is in response to the non-final office action of March 19, 2008. In that action, the Examiner has withdrawn the finality of the previous office action due to applicant's request for reconsideration filed February 1, 2008. In the non-final office action of March 19, 2008, new prior art has been applied. Although it may be fairly said that the claims already had this meaning, the independent claims have been amended to make it perfectly clear that the application level request is sent from the mobile client device. Furthermore, independent claims 22 and 23 (streaming server and system) have been amended to make them fully consistent with the other independent claims.

In regard to the obviousness rejection of claims 1-12, 14-18 and 21-33 based on *Apostoloppulos et al* (US2003/0009576) in view of *Leighton et al* (US2003/0200326), the disclosure of *Apostoloppulos et al* is based on Multiple Description coding, where a media stream is coded into a plurality of independent bit streams such that a media stream can be reproduced by decoding any of said bit streams. The more bit streams are received and decoded, the better quality of the reproduced media stream is achieved. The encoded bit streams can be transmitted along different transmission paths to eliminate the possibility of a single point of failure. Due to this nature of the media stream used in *Apostoloppulos et al*, there is no need to retransmit portions of the media stream that are not received due to handover. The solution of *Apostoloppulos et al* is to produce and transmit two or more bit streams via separate base stations such that in case of both a soft and hard handover, the originating and receiving base station transmit different bit streams, each decodable to the original media stream (as opposed to 'traditional' handoff, where two copies of the same bit stream is transmitted from two or more base stations). In fact, except for streaming media and the general concept of reliability albeit in a different context, *Apostoloppulos et al* fails to disclose anything related to the independent claims hereof, and therefore does not provide any kind of applicable solution to handling of media streams during handover.

Thus it appears that the disclosure of the *Apostoloppulos et al* reference is mostly concerned with the advantages of using the Multiple Description bitstream architecture to solve reliability problems while at the same time saving bandwidth. The *Apostoloppulos et al* disclosure is vague about what is taking place in the course of handoff and does not disclose at least the feature of the mobile client device, in response to a detected cell reselection event, the

mobile client device requesting the streaming server with an application level request to send streaming media which the mobile client device is not able to receive due to the cell reselection. Also, although the disclosure seems to mention monitoring by the mobile device at paragraph [0144], it seems to contradict this later on, disclosing in detail in the flowchart of Fig. 11 that the detection appears to actually take place on the network side (see Fig. 11, step 1102 and paragraph [0152]). It appears therefore that the mention of mobile device monitoring is not enabling at least for the purpose used by the examiner, and from the document overall it appears to be clear that the method in detail according to *Apostoloppulos et al* is performed somewhere on the network side, e.g. in a base station 904, 906.

As for *Leighton et al* (US2003/0200326), it has no relation to the present invention and appears to have been cited due to its discussion of the RTSP in the context of streaming media. Like *Apostoloppulos et al*, the *Leighton et al* disclosure also has to do with architectural improvements for increasing reliability but in this case certainly doesn't deal with mobile client devices or terminals of any kind detecting anything, not even tangentially. Even if, for the sake of argument, the motivation to combine provided by the Examiner were true, it would still not result in the RSTP being used in the mobile client device for requesting the streaming server with an application level request to send streaming media which the mobile client device is not able to receive due to the cell reselection. Since there is nothing in *Leighton et al* that would suggest using the RSTP for such a thing, the motivation would have to come from *Apostoloppulos et al*. But *Apostoloppulos et al* deals with the advantages of using the Multiple Description (MD) bitstream architecture to solve reliability problems while at the same time saving bandwidth and doesn't give any indication of any care or concern to change any lower layer signaling of the prior art environment in which the *Apostoloppulos et al* disclosure is operating.

The *Apostoloppulos et al* and *Leighton et al* references, having been shown to be inapplicable, withdrawal of the 35 U.S.C. 103 rejection of claims 1-12, 14-18 and 21-33 is requested.

Regarding the obviousness rejection of claims 19-20, the Examiner has not cited any additional prior art in combination with the *Apostoloppulos et al* and *Leighton et al* references to support the assertion of well known prior art. Withdrawal of the obviousness rejection of claims 19-20 is also requested.

The indication of allowable subject matter in claim 13 is noted with appreciation but it is believed that in view of the foregoing remarks the applicants have shown the novelty and non-obviousness of all the claims and therefore the Examiner will now be persuaded to change his mind and agree that all the claims are allowable. If the Examiner has any further concerns with the claims, please feel free to call the undersigned.

Consideration of the IDS filed May 27, 2008 is requested.

The objections and rejections of the Office Action of March 19, 2008, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-38 to issue is solicited.

Respectfully submitted,

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